

Remarks

In the Office Action, the Examiner noted that claims 1-13 and 15-56 are pending in the application; claims 11 and 12 are withdrawn from consideration; claims 15 and 26-56 are rejected; and that claims 1-10, 13 and 16-25 are objected to. By this amendment, claims 1, 7-10, 13, 15, 26-56 have been amended, and claims 11 and 12 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 1-10, 13 and 15-56 are pending in the application.

No new subject matter has been inserted through these amendments. All of the amendments are fully supported by the specification. Specifically, as suggested by the Examiner, claims 1, 7-10 and 13 have been amended by deleting the term “general.” In addition, claims 8 and 10 have also been amended to provide support for the definitions of substituents recited therein by deleting the word “above” and insert therefor respectively “in claim 7” and “in claim 9.” Claims 15 and 26-40 have been amended to delete the word, “optionally.” Finally, claims 41-56 have been amended to provide specific diseases that can be treated using the compounds of this invention, support for which can be found in the specification at various places, particularly at pages 25 to 28 of the specification. The Examiner’s rejections are traversed below.

Election/Restriction

The Examiner has made final the two-way restriction imposed in this case in his Office Action of October 24, 2006 and has withdrawn claims 11 and 12 from further consideration, which belonged to the unelected group II invention. Accordingly, Applicants have canceled claims 11 and 12 without prejudice. However, Applicants reserve the right to place these canceled claims in one or more divisional applications.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 41 to 56 stand rejected under 35 U.S.C. 112, First paragraph, as failing to comply with the enablement requirement.

Specifically, the Examiner alleges that “[I]n claims 41-56, it is recited a method of treatment of pathologies in which peripheral benzo-diazepine receptors are involved, but the specification is not enabled for such a scope.”

However, it is respectfully submitted that claims 41-56, as amended, obviate this rejection. In particular, the amended claims 41-56 recite a group of specific diseases which are known to be treatable by a compound that is active at PBR. Furthermore, it should also be pointed out that the specification clearly provides activity of the compounds at PBR site, see for example, pages 23 and 24 where the protocols, including the data, used to ascertain the affinity of the compounds of the invention for PBR or p sites are provided. In addition, in vivo neurotropic activity in rats of the compounds of the invention was also studied as described in the specification at pages 24 and 25. In view of the foregoing, it is submitted that one of ordinary skill in the art will readily appreciate the intended uses of the compounds as recited in claims 41-56 without resorting to undue experimentation.

Accordingly withdrawal of rejection as to claims 41-56 is respectfully requested.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 15, 26-40 and 41-56 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More specifically, the Examiner alleges that claims 15 and 26-40 are rejected because of the term “optionally,” which renders these claims indefinite. Accordingly, claims 15 and 26-40 have been amended to delete the term “optionally” obviating this rejection. Thus, withdrawal of rejection as to claims 15 and 26-40 is respectfully requested.

Claims 41-56 are rejected because of the recitation of “A method for the treatment of pathologies in which the peripheral benzo-diazepine receptors are involved” as well as the term “to a patient in need of such treatment.” Both of these phrases have been deleted in the amended claims 41-56, thus obviating this rejection. Accordingly, withdrawal of rejection as to claims 41-56 is respectfully requested.

Claim Objections

Claims 1, 7-10 and 13 stand objected to because of the recitation of "general formula" and the Examiner has suggested that deletion of the term "general" would overcome this objection.

As suggested by the Examiner, claims 1, 7-10 and 13 have been amended by deleting the term "general," thus obviating this objection. Accordingly, withdrawal of the objection as to claims 1, 7-10 and 13 is respectfully requested.

Allowable Subject Matter

Applicants acknowledge with much appreciation allowance of claims 2-6 and 16-25. However, as noted above, Applicants believe that claims 1, 7-10 and 13 as well as claims 26-56 are also in condition for allowance and such an action is respectfully requested.

Conclusions

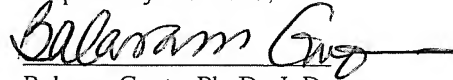
In view of the above Remarks, it is respectfully submitted that claims 1-10, 13 and 15-56 are now in condition for allowance and the early issuance of this case is respectfully requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this Rule 111 Amendment. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. **18-1982** for sanofi-aventis U.S. LLC, Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.

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Respectfully submitted,



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